

PUBLIC NOTICE

PERMIT APPLICATION: **NRS07.187**

APPLICANT: Lee Hunter
1002 Hillcrest Ave.
Columbia, TN 38401
931-242-1624

LOCATION: Gerry Branch, tributary to Duck River in Hickman County,
35.8202°N, 87.3400°W; Gerry Branch, USGS Littlelot (TN) Topo

WATERSHED DESCRIPTION: Gerry Branch is a spring fed, second or third order stream. It is a tributary to the Duck River mile 81.6. The Duck River is high quality tier 2. Gerry Branch has not been assessed because of recent impacts.

PROJECT DESCRIPTION: The applicant proposes to construct an earthen dam to create a lake. The dam and lake would directly impact about 800 feet of stream. The stated purpose of the proposed lake is for private use including fishing, fire protection, wildlife habitat, and general recreation. The soil used to construct the dam would be excavated from within the lake site.

Compensatory mitigation is proposed by the applicant as follows:

(1) to create a 305-acre permanent conservation easement to include about 2,000 linear feet (LF) of Panther Cave Branch and its watershed, about 2,000 LF of Mud Branch and its watershed, about 2,000 LF in Stairstep Hollow, its watershed, and roughly 3,000 feet of Duck River frontage; (2) to block all traffic along the approximately 500 LF of Gerry Branch immediately south of the structure, which the applicant states has been used as the primary east-west road through the farm; and (3) to protect approximately 300 LF of an unnamed tributary entering Gerry Branch on the right bank, south of the dam site which the applicant states is presently degraded by erosion caused by logging practices of prior landowner.

In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activity will degrade water quality.

This public notice may also be viewed on the internet at the following site:

<http://www.state.tn.us/environment/wpc/ppo/arap>.

This activity requires a Clean Water Act (CWA) §404 permit from the U. S. Army Corps of Engineers. The §404 public notice can be viewed at the following internet site:

<http://www.lrn.usace.army.mil/cof/notices/PN%2007-56.pdf>.

This activity also requires a CWA §401 permit from the division. Section 401 requires that an applicant for a federal permit shall provide the permitting agency a certification from the State that the activity will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. No federal permit shall be granted until the certification required by this section has been obtained or has been waived as provided by the CWA. No license or permit shall be granted if certification has been denied.

PERMIT COORDINATOR: Robert Baker

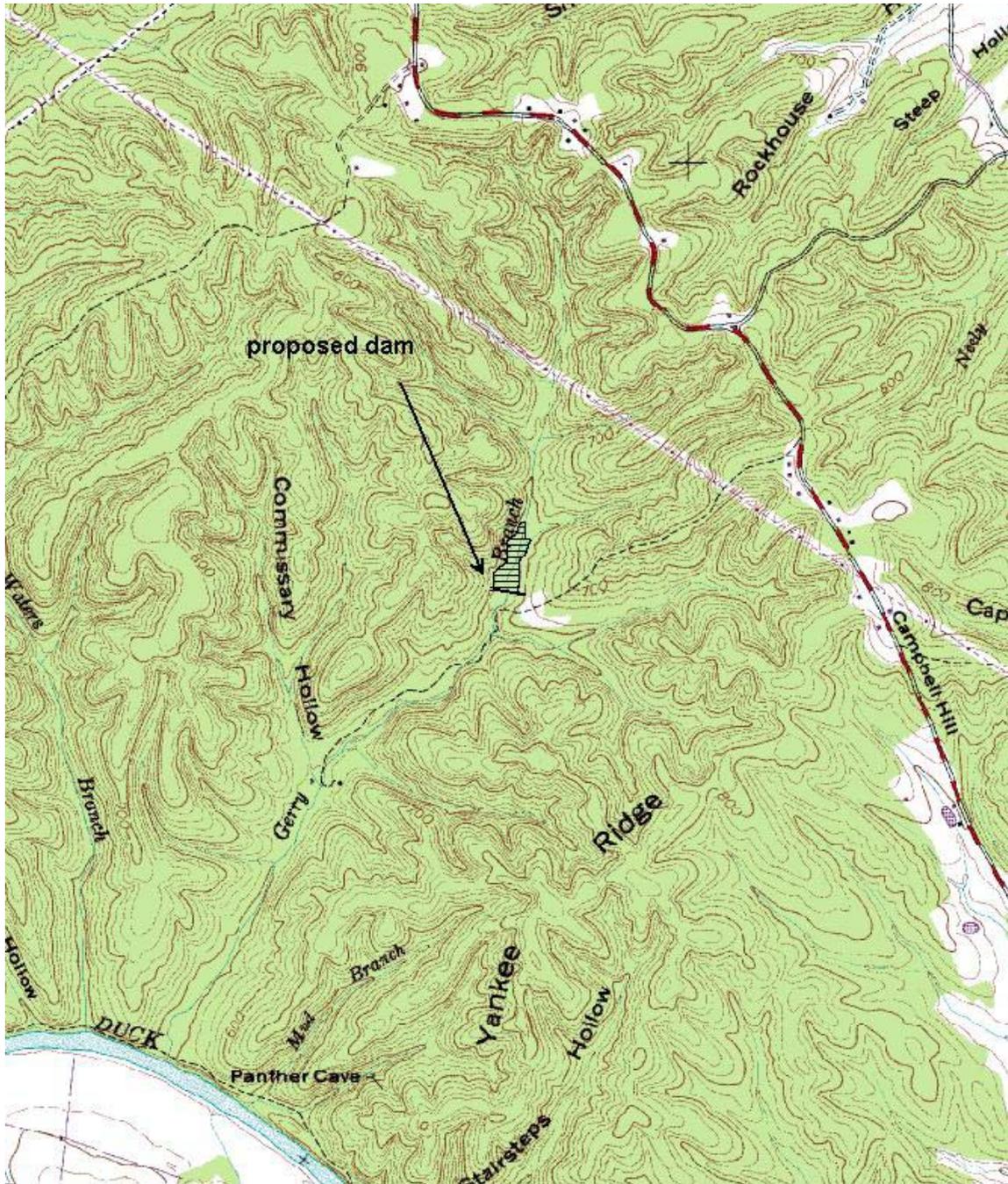
No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address for review and/or copying. The department's address is:

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor L & C Annex
401 Church Street
Nashville, TN 37243

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.





impacted stream segment proposed to be impounded



downstream impacted segment



upstream un-impacted stream segment